

MEMO ENDORSED



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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June 23, 2021

BY ECF

Honorable Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: George Airday v. The City of New York et al.
No. 14-CV-8065 (VEC)

Dear Judge Caproni:

I am the attorney for defendants the City of New York and Keith Schwam in the above-referenced action. I am writing to inform the Court of the death of the Plaintiff in this action, Mr. George Airday¹. The Defendants respectfully request a stay, sine die, on all pending deadlines on this matter.

I contacted Mr. Smith, counsel for the now deceased Plaintiff, and he confirmed that the person mentioned in the article is his client. The Defendants stand ready to file a suggestion of death on the record. However, upon information and belief, there has yet to be a determination as to the executor of the estate. Thus, the Defendants will be unable to name the executor in the suggestion of death and thus the 90 day clock to substitute pursuant to Federal Rule of Civil Procedures 25(a) will not be triggered by such a notice.

If the Court so wishes, the Defendants will file the suggestion of death and then follow up within 30 days with either evidence of service pursuant to Rule 4 or a letter explaining whether we have been able to ascertain and serve the proper party.

1

See, <https://dailyvoice.com/new-york/ulster-sullivan/police-fire/local-firefighter-killed-in-two-vehicle-ulster-county-crash/811162/>

Respectfully submitted,

/s/

William A. Grey
Senior Counsel

cc: Nathaniel B. Smith (via ECF)
Attorney for Plaintiff

All deadlines in this case are STAYED for 60 days. The parties must file a joint status report not later than **August 23, 2021**. To the extent relevant information becomes available prior to August 23, 2021, Defendants must file and serve a suggestion of death pursuant to Federal Rule of Civil Procedure 25.

SO ORDERED.



6/23/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE